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Risking Another Rohingya Refugee Crisis in the Andaman Sea

Felix Heiduk and Antje Missbach

Kutupalong – which, located near Cox's Bazar in Bangladesh, is the biggest refugee camp in the world with an estimated 700,000 inhabitants – has just witnessed its first coronavirus death. The 71-year-old victim was among at least 29 Rohingya refugees in the camp who had recently tested positive for the virus. The death of the refugee has increased concerns that the deadly virus could spread rapidly through refugee camps in Bangladesh, which are home to an estimated 1 million refugees. Observers also fear that the coronavirus outbreak could create panic in the camps and induce more Rohingya to seek refuge in Indonesia and Malaysia by crossing the Andaman Sea in boats. Malaysia and Indonesia are refusing to allow the passengers of any such boats to disembark over fears that they could be carrying the virus. According to official statements, Malaysia has turned back 22 boats since May 2020. In the second week of June, 269 Rohingya were detained in Malaysia after their vessel had reportedly been intentionally damaged, thus thwarting efforts to push it back to sea. These recent events have exacerbated fears that the current situation could turn into another Andaman Sea refugee crisis.

Between January and May 2015, an estimated 30,000 Rohingya fled Myanmar and Bangladesh by boat. They were intercepted and pushed back to sea on the orders of the Malaysian, Thai and Indonesian governments. Around 8,000 people became stranded at sea, and 370 of them died of disease and starvation. It was only after the situation had escalated for weeks and under growing international pressure that Indonesia and Malaysia changed their stance. On 20 May 2015, the two countries announced that they would no longer push boats back to sea and would offer temporary shelter to

the refugees. This offer was made on condition that the international community provided relief for the Rohingya refugees as well as financial support for processing and resettling them within one year.

The Rohingya Crisis in Myanmar as Backdrop

To understand the current situation in Kutupalong and the other camps in Bangladesh, it is necessary to recall the events of 2016 – 17 in Rakhine state in Myanmar.



The Rohingya had faced discrimination and persecution in Myanmar for decades when, in October 2016 and August 2017, military-led campaigns sent nearly 800,000 Rohingya fleeing to neighbouring Bangladesh. The military campaigns were officially labelled “counter-terrorism operations” in response to attacks on police stations by the Arakan Rohingya Salvation Army (ARSA). The United Nations, however, described the military offensive as “ethnic cleansing” that involved the forced displacement, mass rape and killing of thousands of civilians as well as the use of torture and the widespread burning down of Rohingya villages. In November 2019, on behalf of the Organisation of Islamic Cooperation, The Gambia filed a case at the International Court of Justice accusing Myanmar of genocide.

In 2018, under intense international pressure, the Myanmar government agreed in principle to the return of the Rohingya refugees. However, according to a report by the UN Independent International Fact-Finding Mission on Myanmar, repatriation attempts have so far failed because Myanmar has made only minimal preparations to provide food, shelter and security and thereby facilitate the return of the Rohingya to their ancestral villages in Rakhine. Furthermore, the report suggested that the situation of the approximately 600,000 Rohingya who stayed in Myanmar remains as dire as ever. It details ongoing abuses by the state security forces and the prevailing impunity of those involved in human rights violations, and it concludes that the Rohingya who have not left Myanmar are still at “serious risk of genocide” as the Myanmar government “continues to harbor genocidal intent”.

The Worsening Situation at the Refugee Camps

Even before the outbreak of the coronavirus epidemic in Bangladesh, the situation in the country’s refugee camps was grim. Refugees live in makeshift camps in areas prone to floods and cyclones; the quality of the

drinking water is often poor, as are the hygienic and sanitary conditions, as a result of which the camps are vulnerable to outbreaks of measles and other infectious diseases. Many refugees suffer from malnutrition, others from post-traumatic stress disorder. Their dependency on aid stems from the fact that they are allowed neither to work nor to move freely outside the camps. Human rights organizations have documented widespread abuse of and violence against women and children in the camps.

In September 2019, all high-speed mobile phone and internet services in the refugee camps were terminated by order of the Bangladesh Telecommunication Regulatory Commission. The restrictions on freedom of movement and the internet shutdown came on the heels of a failed attempt to repatriate refugees to Myanmar, a large demonstration by Rohingya refugees and the murder of a local politician, allegedly by Rohingya refugees, in August 2019.

Since the emergence of the global coronavirus pandemic, the situation at the Rohingya refugee camps, most of which are located near the city of Cox’s Bazar, has worsened. In April 2020, the Bangladeshi government reduced access for humanitarian staff by 80 per cent and restricted those services and facilities deemed “critical”. The measures were introduced in the hope of avoiding a Covid-19 outbreak at the camps. However, according to aid organizations that are active in the camps, reduced access for staff has made the delivery of essential services difficult; food and water shortages have increased and access to basic hygiene and sanitation has been further reduced. Moreover, medical staff are lacking personal protective equipment, while self-isolation and social distancing are simply not possible in the overcrowded camps. Meanwhile, the internet blackout has exacerbated the spread of misinformation. According to one unsubstantiated rumour, any refugees reporting Covid-19 symptoms would immediately be taken to an undisclosed location. This, in turn, has led to a huge drop in the number of people attending medical facilities in the camps. For all

these reasons, the inhabitants of the camps are increasingly afraid that the virus could spread like wildfire among them and lead to another “massacre” of Rohingya.

Stuck Between a Rock and a Hard Place

Unwelcome in Bangladesh and unable to return to Myanmar, hundreds of Rohingya have boarded boats in an attempt to reach Malaysia, where more than 100,000 Rohingya are already living. However, despite occasional displays of hospitality towards the Rohingya, in April 2020 the Malaysian authorities prevented more than 382 refugees aboard two boats from disembarking; instead of bringing the exhausted and dehydrated people on land, they provided only fuel and basic food items. At least one boat made it back to Bangladesh, where the intercepted Rohingya, including children, were taken by coastguards to Bhasan Char, an uninhabited island off the southern coast of Bangladesh in order to keep them separate from the population of the camps. According to a young girl who survived the journey, people had been desperately thirsty and many had resorted to drinking seawater. Several people died during the voyage and “were thrown into the sea” — nobody knows how many exactly.

Meanwhile, Rohingya who have lived in Malaysia for years have faced a sharp increase in xenophobic sentiment online and in harassment on the streets. Malaysian citizens and politicians alike have been peddling a narrative implausibly linking the spread of the virus in Malaysia to the Rohingya communities. Moreover, the Malaysian authorities have carried out a number of raids in those communities and arrested hundreds of Rohingya and other undocumented migrants in what they claim was part of the effort to contain the coronavirus. Home Minister Hamzah Zainuddin underscored in a recent statement that in Malaysia, the Rohingya are considered “illegal immigrants”, which in his eyes means that they “have no status, right and

basis to present any demands to the government”. Observers, on the other hand, have argued that the raids might have the opposite effect of their stated purpose: arresting Rohingya and detaining them in detention centres in squalid, unhygienic conditions might only lead to the faster spread of coronavirus infections.

In mid-May 2020, two boats carrying an estimated 500 Rohingya were sighted near the coast of Aceh, Indonesia. The Indonesian coastguard said it would not rescue these people and bring them onto land. Until today, it is not known for certain what happened to the two boats as all communications via mobile phone with the people on board have ceased. Saad Ham-madi from Amnesty International’s South Asia office estimates that at least 1,000 Rohingya are currently stranded at sea and could have been travelling for several weeks or even months without food or water. For its part, the Indonesian government has ignored appeals by a group of religious leaders, scholars and activists to rescue the refugees heading to the country by boat.

Both Malaysia and Indonesia frequently argue that because they are not signatories to the 1951 Refugee Convention, they do not have any responsibilities towards refugees. This is, however, not the case. Both countries have signed the United Nations Convention on the Law of the Sea, while the International Maritime Organization obliges coastal countries to conduct adequate and effective search and rescue operations for those whose life is in danger at sea. Moreover, the 2016 Bali Declaration — a joint commitment reached after the 2015 Andaman Sea crisis by a number of countries, including Bangladesh, Malaysia, Myanmar and Thailand — provides for collaboration on the establishment of disembarkation options and cooperation on search and rescue efforts. It also encourages member countries to provide safety and protection to migrants, victims of human trafficking, refugees and asylum seekers. But there has been no reaction to appeals to the two co-chairs of the Bali Process, namely Indonesia and Australia, to call a

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consultative meeting with the countries affected by the recent attempts of Rohingya to flee from Myanmar and Bangladesh. Meanwhile, Australian officials are reported to have said that the Bali Process is a forum for discussing policy and sharing information and therefore should not be used to trigger an emergency operational response to a refugee crisis.

A Volatile Situation

Described by UN Secretary-General Antonio Guterres as “one of, if not the, most discriminated people in the world”, the Rohingya continue to suffer multiple hardships. Those currently living in Bangladesh are threatened by the recent Covid-19 outbreak inside the refugee camps, while those who have remained in Myanmar face serious risks from the military, which continues to kill civilians and destroy livelihoods in Rakhine state. Meanwhile, the options for seeking safe havens have narrowed. Bangladesh announced in March 2019 that it would no longer accept any Rohingya fleeing from Myanmar, and members of the ethnic minority living in Indonesia and Malaysia are increasingly experiencing discrimination and rejection.

Although the overall number of Rohingya who have managed to escape by boat from Myanmar and Bangladesh during the past year or so remains significantly smaller than back in May 2015, there is still the risk that the current pandemic could serve as another powerful factor for renewed attempts to flee. The situation is volatile at present and could change quickly for the worse at any time.

Unlike in previous years, when Indonesia and Malaysia offered some basic hospitality and allowed the Rohingya to live among themselves in their own communities, the current situation is that the coronavirus pandemic has diminished regional solidarity among those countries in Southeast

Asia that could host Rohingya refugees. In fact, the pandemic has stoked hyper-nationalist attitudes towards migrants and refugees and led to the overall securitization of the humanitarian crisis response. Pushing boats with highly vulnerable people back to sea is unacceptable. While it might briefly appeal to anti-migrant sentiments and alleviate fears of the spread of Covid-19 among local populations, it will seriously undermine the human rights framework in the region and impede not only maritime rescue efforts but also regional solutions for dealing with any mass influx of refugees.

The looming crisis in the refugee camps in Bangladesh, which could well result in more refugee boats in the Andaman Sea, can still be averted. The EU and its member states recently allocated €64.8 million (€16.5 million from the EU, plus €48.3 million from Germany) to mitigate the impact of Covid-19 on Rohingya refugees and Bangladeshi host communities around Cox's Bazar. While a short-term scaling up of aid is sensible, the lessons learned from the 2015 crisis suggest that a swift, comprehensive and coordinated response by the international community is required in order to resettle refugees and thus help Bangladesh de-congest camps and improve public health provision for people in need. Moreover, the root causes of the current looming crisis need to be addressed. This would require the government in Myanmar to enable the Rohingya to return safely to their homes and the full recognition of them as citizens of the country. However, appeals by former UN Secretary-General Ban Ki-moon to the international community and, in particular, to ASEAN to create safe havens for the Rohingya and respect their human rights have so far fallen on deaf ears (see SWP Comment 52/2018). As long as the push factors driving the Rohingya to seek such havens remain unchanged, it is unlikely that they will stop embarking on dangerous journeys by sea.

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